



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL SPECIAL MEETING

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Thursday, November 21, 2013

5:15 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King, and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 5:17 p.m.

City Attorney Doug Haynie requested that an item be added to the agenda for a motion or motions related to matters discussed in executive session. Mr. Haynie mentioned that it would take unanimous consent to add an item to the agenda.

A motion was made by Council member King, seconded by Council member Chalfant, that an item be added to the agenda for a motion or motions related to matters discussed in executive session. The motion failed by the following vote:

Vote: 6 - 1 - 0 Failed

Voting Against: Philip M. Goldstein

BUSINESS:

20131377

Marietta Housing Authority Management Agreement

Motion to approve amendment to Property Management Agreement between the City of Marietta and the Housing Authority of the City of Marietta amending Article X (Compensation) adding that the fee per month shall be \$4,000.00 per month "per assigned project."

Mayor Tumlin made an amendment to his disclosure to read as follows:

Mayor Tumlin disclosed that Smith, Tumlin, McCurley, and Patrick law firm of which Mayor Tumlin is affiliated has provided legal services in the real Estate area for Marietta Housing Authority over the years.

A motion was made by Council member Goldstein, seconded by Council member King, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

20131380

Forbearance Agreement

Motion to approve Forbearance Agreement among the Marietta Redevelopment Corporation, the Bank of North Georgia and the City of Marietta including the authorization for the Mayor and City Clerk to execute same. The document shall provide that the City of Marietta has not direct liability to Bank of North Georgia.

Council member Goldstein made an amendment to his disclosure to read as follows:

Philip Goldstein owns stock jointly in Synovis. Philip Goldstein placed an order on 11-20-2013 to sell the stock he individually owned on 11-21-2013. Said company is the parent of Bank of North Ga. If the stock in Synovis owned jointly was sold, the amount attributable to Philip Goldstein from his ownership portion would continue to be under the State reporting requirement based on the stock price when checked on 11-21-2013. As I have reduced the value of what is owned, I am providing this for disclosure purposes even though it is not required and I am not prohibited from participating in the mater.

Haynie, Litchfield, Crane & White, PC, from time to time, but not in this matter, has performed real estate closings for or with client for Bank of North Georgia.

Mayor Tumlin is a Board member of the MRC and is a member of the governing body that appoints the Board Members of the MRC. The Law Firm, Smith, Tumlin, McCurley & Patrick, PC, of which Tumlin is a non-owner associate, from time to time, but not in this matter, has performed real estate closings for or with client for Bank of North Georgia.

Discussion was held regarding the approve Forbearance Agreement among the Marietta Redevelopment Corporation, the Bank of North Georgia and the City of Marietta.

A motion was made by Council member Chalfant to approve the Forbearance Agreement as submitted. The motion died for a lack of second.

Further discussion was held.

A motion was made by Council member King, seconded by Council member Chalfant, to authorize the Council MRC representative to negotiate with the Bank of North Georgia regarding the details of the Forbearance Agreement specific to a fixed interest rate, for 42 months, with maximum amount contributed by the City of \$225,000. This matter would come back to the Agenda Work Session for further discussion.

The motion carried by the following vote:

Vote: 4 - 3 - 0 Referred to the City Council Agenda Work Session
Voting Against: Annette Lewis, Anthony Coleman and Philip M. Goldstein

20131381

Marietta Redevelopment Corporation (MRC) Loan

Motion to approve loan from the City of Marietta to the Marietta Redevelopment Corporation consistent with the Forbearance Agreement.

Council member Goldstein made an amendment to his disclosure to read as follows:

Philip Goldstein owns stock jointly in Synovis. Philip Goldstein placed an order on 11-20-2013 to sell the stock he individually owned on 11-21-2013. Said company is the parent of Bank of North Ga. If the stock in Synovis owned jointly was sold, the amount attributable to Philip Goldstein from his ownership portion would continue to be under the State reporting requirement based on the stock price when checked on 11-21-2013. As I have reduced the value of what is owned, I am providing this for disclosure purposes even though it is not required and I am not prohibited from participating in the mater.

Haynie, Litchfield, Crane & White, PC, from time to time, but not in this matter, has performed real estate closings for or with client for Bank of North Georgia.

Mayor Tumlin is a Board member of the MRC and is a member of the governing body that appoints the Board Members of the MRC. The Law Firm, Smith, Tumlin, McCurley & Patrick, PC, of which Tumlin is a non-owner associate, from time to time, but not in this matter, has performed real estate closings for or with client for Bank of North Georgia.

A motion was made by Council member King, seconded by Council member Chalfant, that this matter be Referred to the City Council Agenda Work Session. The motion carried by the following vote:

Vote: 6 - 1 - 0 Referred to the City Council Agenda Work Session
Voting Against: Annette Lewis

20131359

Executive Session

Executive Session to discuss personnel, legal and/or real estate matters.

A motion was made in open session by Council member Sinclair, seconded by Council member Goldstein, to enter an Executive Session to discuss real estate matters. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King and Philip M. Goldstein

The Executive Session was held.

A motion was made in open session by Council member Sinclair, seconded by Council member King, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 – 0 - 0 Approved

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman and Jim King and Philip M. Goldstein

A motion was made by Council member King, seconded by Council member Sinclair, to add an item to the agenda related to property acquisition.

Discussion was held regarding the need to state the address of the property.

The motion failed by the following vote:

Vote: 6 - 1 - 0 Failed

Voting Against: Philip M. Goldstein

A motion was made was made by Council member Goldstein, seconded by Council member Sinclair, to add an item to the agenda to authorize the acquisition of property located at 849 Franklin Road. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

A motion was made by Council member Sinclair, seconded by Council member Morris, to approve Agreement of Purchase and Sale and Escrow Instruction between Tritex Real Estate Advisors, Inc. as Seller and the City of Marietta as Buyer for the Purchase price of \$12M for the property known as Flagstone Village Apartments 849 Franklin Road, Marietta Georgia, with a closing anticipated on or before December 19, 2013. This motion includes the authorization for the Mayor and City Clerk to sign all documents in order to complete the closing as well as authorization for the City Attorney to complete the closing.

20131382

The motion carried by the following vote:**Vote: 6 – 1 - 0 Approved**

Voting Against: Anthony Coleman

A motion was made by Council member Goldstein, seconded by Council member Sinclair, to add budget amendment to the agenda related to the earnest money needed for the property acquisition. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

A motion was made by Council member Sinclair, seconded by Council member Lewis, to approve a budget amendment in the amount of \$350,000 for earnest money to be used for the purchase of 849 Franklin Road.

The motion carried by the following vote:**Vote: 6 – 1 – 0 Approved**

Voting Against: Anthony Coleman

ADJOURNMENT:

The meeting was adjourned at 7:03 p.m.

Date Approved: December 11, 2013

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk